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* Practice Limited to
Federal Agencies

September 15, 2004

Commissioner for Patents
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WRITER'S DIRECT NUMBER:

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Art Unit 1616

Re: U.S. Utility Patent Application
Application No. 10/826,923; Filed: April 19, 2004
For: **Methods of Treating Diseases Responsive to Induction of Apoptosis
and Screening Assays**
Inventors: Kasibhatla *et al.*
Our Ref: 1735.0870001/RWE/ALS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. An original executed Power of Attorney from Assignee;
2. An original executed Statement Under 37 C.F.R. 3.73(b) with a copy of the Assignment attached; and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Aaron L. Schwartz
Agent for Applicants
Registration No. 48,181

ALS/law

Enclosures

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgef.com

310521v1

POWER OF ATTORNEY FROM ASSIGNEE

Cytovia, Inc., a corporation of Delaware, having a principal place of business at 6650 Nancy Ridge Drive, San Diego, California 92121, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on July 6, 2004, August 23, 2004 and August 25, 2004, of an invention known as **Methods of Treating Diseases Responsive to Induction of Apoptosis and Screening Assays** (Attorney Docket No.1735.0870001/RWE/ALS), that is disclosed and claimed in a patent application of the same title by the inventors Shailaja Kasibhatla, Sui Xiong Cai, Ben Tseng, Katayoun Alavi Jessen, Serguei Maliartchouk, Nicole Marion English, Jared Kuemmerle, William E. Kemnitzer and Han-Zhong Zhang (said application filed on April 19, 2004 at the U.S. Patent and Trademark Office, having Application Number 10/826,923).

For the purpose of PAIR, the Customer Number is **26111**.

The Assignee hereby appoints the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbala, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugaisky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

Customer Number 26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Cytovia, Inc.
SIGNATURE: Ben Y. Tseng
BY: Ben Y. Tseng, Ph.D.
TITL: Vice President, Biology
DATE: Sept 8, 2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

1735.0870001/RWE/ALS

Applicant/Patent Owner: See 1 in Addendum

Application No./Patent No.: 10/826,923 Filed/Issue Date: April 19, 2004

Entitled: Methods Of Treating Diseases Responsive To Induction Of Apoptosis And Screening Assays

Cytovia, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Ben Y Tseng
Signature

Ben Y. Tseng, Ph.D.

Printed or Typed Name

Vice President, Biology

Title

Sept 8, 2004
Date

858-202-4004

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: Shailaja Kasibhatla, Sui Xiong Cai, Ben Tseng, Katayoun Alavi Jessen, Serguei Maliartchouk, Nicole Marion English, Jared Kuemmerle, William E. Kemnitzer and Han-Zhong Zhang, the undersigned inventors hereby sell and assign to Cytovia, Inc., a corporation formed under the laws of Delaware (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

(a) in the invention(s) known as **Methods of Treating Diseases Responsive to Induction of Apoptosis and Screening Assays** for which application(s) for patent in the United States of America has (have) been executed by the undersigned on

(1) <u>7/6/04</u>	(2) <u>7/6/04</u>	(3) <u>7/6/04</u>
(4) <u>7/6/04</u>	(5) <u>7/6/04</u>	(6) <u>7/6/04</u>
(7) <u>7/6/04</u>	(8) <u>7/6/04</u>	(9) <u>7/6/04</u>

} RWE Reg No.
32,893

(also known as United States Application No. 10/826,923, filed April 19, 2004), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

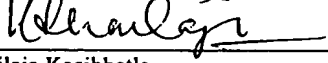

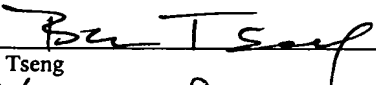
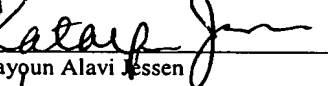

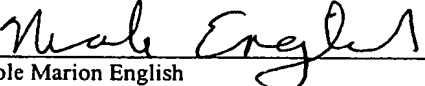



The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbala, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugaisky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987.; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or

desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: ✓ 7/6/04	Signature of Inventor: ✓  Shailaja Kasibhatla
Date: ✓ 7/6/04	Signature of Inventor: ✓  Sui Xiong Cai
Date: ✓ 7/6/04	Signature of Inventor: ✓  Ben Tseng
Date: ✓	Signature of Inventor: ✓  Katayoun Alavi Jossen
Date: ✓ 7/6/04	Signature of Inventor: ✓  Serguei Maliartchouk
Date: ✓ 7/6/04	Signature of Inventor: ✓  Nicole Marion English
Date: ✓	Signature of Inventor: ✓  Jared Kuemmerle
Date: ✓ 7/6/04	Signature of Inventor: ✓  William E. Kemmner
Date: ✓ 7/6/04	Signature of Inventor: ✓  Han-Zhong Zhang

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ASSIGNMENT

DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: Shalaja Kasibhatla, Sui Xiong Cai, Ben Tseng, Katayoun Alavi Jessen, Serguei Mallartchouk, Nicole Marion English, Jared Kuemmerle, William E. Kemnitzer and Han-Zhong Zhang, the undersigned inventors hereby sell and assign to Cytovia, Inc., a corporation formed under the laws of Delaware (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

(a) in the invention(s) known as **Methods of Treating Diseases Responsive to Induction of Apoptosis and Screening Assays** for which application(s) for patent in the United States of America has (have) been executed by the undersigned on

(1) _____	(2) _____	(3) _____
(4) _____	(5) <u>8/25/04</u>	(6) _____
(7) <u>8/23/04</u>	(8) _____	(9) _____

Ent Reg No 32,893

(also known as United States Application No. 10/826,923, filed April 19, 2004), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

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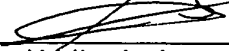
IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: _____ Signature of Inventor: _____
Shailaja Kasibhatla


Date: _____ Signature of Inventor: _____
Sui Xiong Cai

Date: _____ Signature of Inventor: _____
Ben Tseng

Date: _____ Signature of Inventor: _____
Katayoun Alavi Jessen

Date: Aug 25 04 Signature of Inventor: 
Serguei Maliartchouk

Date: _____ Signature of Inventor: _____
Nicole Marion English

Date: 8/23/2004 Signature of Inventor: 
Jared Kuemmerle

Date: _____ Signature of Inventor: _____
William E. Kemnitzer

Date: _____ Signature of Inventor: _____
Han-Zhong Zhang

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